

AMENDED IN SENATE AUGUST 7, 2012

AMENDED IN ASSEMBLY MAY 15, 2012

AMENDED IN ASSEMBLY MARCH 15, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2245

Introduced by Assembly Member Smyth

February 24, 2012

An act to add and repeal Section ~~21080.38~~ 21080.20.5 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2245, as amended, Smyth. Environmental quality: California Environmental Quality Act: exemption: ~~bikeways~~ *bicycle lanes*.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts from its requirements specified projects and activities.

Existing law establishes the Office of Planning and Research (OPR) in the Governor's office. Existing law requires the OPR to assist with,

among other things, the orderly preparation of programs of transportation.

Existing law authorizes a lead agency that determines that a project is not subject to CEQA pursuant to certain exemptions and approves or determines to carry out that project, to file notice of the determination with the OPR if the lead agency is a state agency or with the county clerk in which the project is located if the lead agency is a local agency.

This bill would, until January 1, ~~2017~~ 2018, additionally exempt a Class II bikeway project, as defined for purposes of the Streets and Highways Code, undertaken by a city, county, or city and county within an existing road right-of-way. For a Class II bikeway project that is determined to be exempted from CEQA under this provision, the bill would require a city, county, or city and county to prepare an assessment of traffic and safety impacts and to hold a public hearing to review those impacts, and receive and respond to public comments. from CEQA the restriping of streets and highways for bicycle lanes in an urbanized area that is consistent with a prepared bicycle transportation plan. A lead agency would be required to take specified actions with regard to making an assessment of traffic and safety impact and holding hearings before determining a project is exempt. The bill would require a state agency, that determines that a project is exempt under this provision, and approves or determines to carry out that project, to file a notice of the determination with OPR. The bill would require a local agency, that determines that a project is exempt under this provision, and approves or determines to carry out that project, to file a notice of determination with OPR and the county clerk in the county in which the project is located.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 21080.20.5 is added to the Public*
- 2 *Resources Code, to read:*
- 3 *21080.20.5. (a) This division does not apply to a project that*
- 4 *consists of the restriping of streets and highways for bicycle lanes*
- 5 *in an urbanized area that is consistent with a bicycle transportation*
- 6 *plan prepared pursuant to Section 891.2 of the Streets and*
- 7 *Highways Code.*

1 ***(b) Prior to determining that a project is exempt pursuant to***
2 ***this section, the lead agency shall do both of the following:***

3 ***(1) Prepare an assessment of any traffic and safety impacts of***
4 ***the project and include measures in the project to mitigate potential***
5 ***vehicular traffic impacts and bicycle and pedestrian safety impacts.***

6 ***(2) Hold noticed public hearings in areas affected by the project***
7 ***to hear and respond to public comments. Publication of the notice***
8 ***shall be no fewer times than required by Section 6061 of the***
9 ***Government Code, by the public agency in a newspaper of general***
10 ***circulation in the area affected by the proposed project. If more***
11 ***than one area will be affected, the notice shall be published in the***
12 ***newspaper of largest circulation from among the newspapers of***
13 ***general circulation in those areas.***

14 ***(c) (1) Whenever a state agency determines that a project is***
15 ***not subject to this division pursuant to this section, and it***
16 ***determines to approve or carry out that project, the notice shall***
17 ***be filed with the Office of Planning and Research in the manner***
18 ***specified in subdivisions (b) and (c) of Section 21108.***

19 ***(2) Whenever a local agency determines that a project is not***
20 ***subject to this division pursuant to this section, and it determines***
21 ***to approve or carry out that project, the notice shall be filed with***
22 ***the Office of Planning and Research, and filed with the county***
23 ***clerk in the county in which the project is located in the manner***
24 ***specified in subdivisions (b) and (c) of Section 21152.***

25 ***(d) This section shall remain in effect only until January 1, 2018,***
26 ***and as of that date is repealed, unless a later enacted statute, that***
27 ***is enacted before January 1, 2018, deletes or extends that date.***

28 **SECTION 1.** Section 21080.38 is added to the Public Resources
29 Code, to read:

30 ~~21080.38. (a) Except as provided in subdivision (b), this~~
31 ~~division does not apply to a project for Class II bikeways, as~~
32 ~~specified in subdivision (b) of Section 890.4 of the Streets and~~
33 ~~Highways Code, undertaken by a city or county within an existing~~
34 ~~road right-of-way.~~

35 ~~(b) If a city or county determines that a Class II bikeway project~~
36 ~~is exempt pursuant to this section, the city or county shall prepare~~
37 ~~an assessment of any traffic and safety impacts of the project and~~
38 ~~hold a public hearing to review those impacts and hear and respond~~
39 ~~to public comments.~~

1 ~~(e) This section shall remain in effect only until January 1, 2017,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2017, deletes or extends that date.~~